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| 10/040,585 | 01/04/2002 | Wilfred Brake | 10016219-1 | 2328 |

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EXAMINER

GAGLIOSTRO, KEVIN M

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,585

Applicant(s)

BRAKE ET AL.

Examiner

Kevin M. Gagliostro

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on (amendments filed on 2/23/05).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 02/23/2005, have been entered and made of record. Claims 1-18 are pending.

Response to Arguments

2. Applicant's amendments, with respect to title are acceptable. The objection to the title is hereby withdrawn.
3. Applicant's arguments, filed on 02/23/2005, with respect to the rejection(s) of claims 1 and 18 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,427,078 to Wilska et al. and U.S. Patent No. 5,682,558 to Kirigaya et al.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

4. Claims 1-11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,621,458 to Mann et al in view of U.S. Patent No. 6,427,078 to Wilska et al.

Regarding **claims 1 and 17**, Mann describes a camera and a method of constructing a camera comprising a camera body (figure 1). To those familiar to the art it is known that a camcorder is a camera /recorder combination which is a camera that records on videotape. However, Mann does not teach a camera or a method of constructing a camera comprising an alarm clock that is at least partially located within said camera body and operably associated with said camera body. Wilska describes a notebook computer with a camera unit 14 and a clock with alarm clock functions (Wilska: column 3, lines 14-18 and 62-63; figure 1). Wilska also describes the camera unit 14 as being fixedly integrated to the notebook computer (Wilska: column 4, lines 48-19). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera and the method of constructing a camera of Mann to include an alarm clock that is at least partially located within said camera body and operably associated with said camera body. One would have been motivated to modify the camera and the method of constructing a camera of Mann to include the alarm clock that is at least partially located within said camera body and operably associated with said camera body of Wilska in that the notebook computer can be one and the same device,

personal communications, data collection, and processing comprises and easy-to-use data collection device (Wilska: column 1, lines 57-61).

Regarding **claim 2**, Mann in view of Wilska further describes the camera of claim 1 wherein said alarm clock further comprises **at least one** output device selected from a group of output devices consisting of: a speaker, a strobe, a display, and a capture device. Specifically, Mann describes that upon the occurrence of an event a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2) and is associated with an indicator (item 107) (Mann: column 4, lines 3-9; figure 2) that may be accompanied by an alerting audible beep (Mann: column 4, lines 3-6). It is common knowledge within the art, and even broader, that "audible" means a noise or sound capable of being heard. This sound is achieved through the use of transducers (speakers). Mann's description of this speaker comprises **at least one** of the output devices explained.

Regarding **claim 3**, Mann in view of Wilska further describes the camera of claim 1 wherein said alarm clock further comprises **at least two** output devices selected from a group of output devices consisting of: a speaker, a strobe, a display, and a capture device. Specifically, Mann describes that upon the occurrence of an event a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2). Mann's description of this display and the speaker of claim 2 comprise **at least two** of the output devices explained.

Regarding **claim 4**, Mann in view of Wilska further describes the camera of claim 1 wherein said alarm clock further comprises **at least three** output devices selected from a group of output devices consisting of: a speaker, a strobe, a display, and a capture device. Mann describes the camera of claim 1 wherein said output device further comprises said strobe. Note that it is common knowledge within the art that a strobe is a visual notification of a burst or flash of light. Mann describes that upon the occurrence of an event a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2) and is associated with an indicator which produce various colors of light (item 107) (Mann: column 4, lines 3-9; figure 2). This light produced is comparable to that of a strobe or a flash. Mann's description of the speaker in claim 2, the display of claim 3, and this strobe comprise **at least three** of the output devices explained.

Regarding **claim 5**, Mann in view of Wilska further describes the camera of claim 1 wherein said alarm clock further comprises **at least four** output devices selected from a group of output devices consisting of: a speaker, a strobe, a display, and a capture device. Note that it is common knowledge within the art that a capture device can comprise that of a camera. Also, note that a camcorder is a combination of a camera and a recording device. Mann describes the use of a capture device or camcorder (Mann: figure 1). Also, further note that Mann describes an alarm clock that is used to initiate recording by the camcorder (Mann: column 6, lines 5-9; figure

5). Mann's description of the speaker in claim 2, the display of claim 3, the strobe of claim 4, and this capture device comprise **at least four** of the output devices explained.

Regarding **claim 6**, Mann in view of Wilska further describes the camera of claim 2 wherein said output device further comprises said speaker. Specifically, Mann describes that upon the occurrence of an event a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2) and is associated with an indicator (item 107) (Mann: column 4, lines 3-9; figure 2) that may be accompanied by an alerting audible beep (Mann: column 4, lines 3-6). It is common knowledge within the art, and even broader, that "audible" means a noise or sound capable of being heard. This sound is achieved through the use of transducers (speakers).

Regarding **claim 7**, Mann in view of Wilska further describes the camera of claim 2 wherein said output device further comprises said strobe. Note that it is common knowledge within the art that a strobe is a visual notification of a burst or flash of light. Mann describes that upon the occurrence of an event a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2) and is associated with an indicator which produce various colors of light (item 107) (Mann: column 4, lines 3-9; figure 2) and (Mann: column 4, lines 3-9). This light produced is comparable to that of a strobe or a flash.

Regarding **claim 8**, Mann in view of Wilska further describes the camera of claim 2 wherein said output device further comprises said display. Specifically, Mann describes that upon the occurrence of an event a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2).

Regarding **claim 9**, Mann in view of Wilska further describes the camera of claim 2 wherein said output device further comprises said capture device. Note that it is common knowledge within the art that a capture device can comprise that of a camera. Also, note that a camcorder is a combination of a camera and a recording device. Mann describes the use of a capture device or camcorder (Mann: figure 1). Also, further note that Mann describes an alarm clock that is operably associated with said camera body (Mann: column 6, lines 5-9; figure 5).

Regarding **claim 10**, Mann in view of Wilska further describes the camera of claim 1 further comprising **at least one** element operatively associated with said alarm clock selected from a group of elements consisting of a memory storage device, a photosensor array, a computer connector, a real time clock, an always-on portion, and a controller. Mann describes a real time clock (RTC) (item 840) (Mann: column 6, lines 21-30; column 7, lines 13-19; figure 5). Mann's description of a real time clock (RTC) further comprises **at least one** element operatively associated with said alarm clock.

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Regarding **claim 11**, Mann in view of Wilska further describes the camera of claim 2 further comprising **at least one** element operatively associated with said alarm clock selected from a group of elements consisting of a memory storage device, a photosensor array, a computer connector, a real time clock, an always-on portion, and a controller. Mann describes a real time clock (RTC) (item 840) (Mann: column 6, lines 21-30; column 7, lines 13-19; figure 5). Mann's description of a real time clock (RTC) further comprises **at least one** element operatively associated with said alarm clock.

Claim Rejections - 35 USC § 102

5. Claims 12-16 are rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,621,458 to Mann et al.

Mann clearly shows all of the limitations cited in claim 12. See all material cited in the specification. Referring to **claim 12**, Mann describes a method of providing notification of the occurrence of a time day, which comprises inputting data representative of selected time of day into a camera, and upon occurrence of said selected time of day a camera subsystem is actuated (Mann: column 2, lines 56-59; column 6, lines 25-30). Specifically, Mann describes a real time clock (RTC), which is utilized by algorithm to detect the coincidence with the desired time. This desired time is a selected time that must be input by the user (comprised of data). Upon coincidence (desired time equals RTC), an "on time" or event occurrence signal is generated and the user determined function or camera subsystem is activated (Mann: column 6, lines 5-9 and 25-30). An example of an actuated subsystem is message generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2) and is associated with an indicator (item 107) (Mann: column 4, lines 3-9; figure 2) that may be accompanied by an alerting audible beep (Mann: column 4, lines 3-6).

Mann clearly shows all of the limitations cited in claim 13. See all material cited in the specification. Referring to **claim 13**, Mann describes the method of claim 12 wherein actuating a camera subsystem comprises activating **at least one** output device selected from a group of output devices consisting of: a speaker, a strobe, a display, and a capture device. Specifically, Mann describes that upon the occurrence of an event, wherein a camera subsystem is actuated, a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2) and is associated with an indicator (item 107) (Mann: column 4, lines 3-9; figure 2) that may be accompanied by an alerting audible beep (Mann: column 4, lines 3-6). It is common knowledge within the art, and even broader, that "audible" means a noise or sound capable of being heard. This sound is achieved through the use of transducers (speakers). Mann's description of this speaker comprises **at least one** of the output devices explained.

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Mann clearly shows all of the limitations cited in claim 14. See all material cited in the specification. Referring to **claim 14**, Mann describes the method of claim 12 wherein actuating a camera subsystem comprises activating **at least two** output device selected from a group of output devices consisting of: a speaker, a strobe, a display, and a capture device. Specifically, Mann describes that upon the occurrence of an event, wherein a camera subsystem is actuated, a message is generated on the display (item 115) (Mann: column 3, lines 49-55; figure 2). Mann's description of this display and the speaker of claim 13 comprise **at least two** of the output devices explained.

Mann clearly shows all of the limitations cited in claim 15. See all material cited in the specification. Referring to **claim 15**, Mann describes the method of claim 12 further comprising storing data (calendar events that are stored in memory 121) utilized by said camera subsystem for notifying a user of the occurrence of said selected time of day (Mann: column 2, lines 65-67; column 3, lines 1-10; column 5, lines 23-34; figure 5).

Mann clearly shows all of the limitations cited in claim 16. See all material cited in the specification. Referring to **claim 16**, Mann describes the method of claim 12 wherein said inputting (data representative of selected time of day into a camera) comprises operating a camera control surface useable for controlling other camera functions. Specifically, Mann describes control system 100 (Mann: figure 2) as a control panel for coupling the camcorder that further comprises display 115 for controlling various modes of the camcorder (Mann: column 4, lines 59-63) and for inputting data representative of selected time of day (Mann: column 2, lines 56-59; column 6, lines 25-30). Figure 1 shows the camcorder attached to the control system 100. The Examiner considers that the two units together formulate a working unit that consists of said camera control unit with a surface useable for controlling other camera functions.

6. Claim 18 is rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 5,682,558 Kirigaya et al.

Kirigaya clearly shows all of the limitations recited in claim 18. See all material referenced in the specification. Referring to **claim 18**, Kirigaya describes a camera comprising:

Means for capturing an image (take a picture) of an object (camera 10) (Kirigaya: column 3, lines 6-9; figure 1);

Means for selecting a time of day (the third picture of 56p shows a clock when a self-timer photographing mode is selected) (Kirigaya: column 20, lines 1-4; figure 4); and

Further note that it is inherent that if a camera has a means of displaying a clock or a timer then it would, in fact, have a means of selecting the time of day.

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Means, at least partially located with said camera, for actuating at least one camera subsystem at the occurrence of said selected time of day (self-timer photographing mode with a clock) (Kirigaya: column 20, lines 1-4).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 571-272-7363. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro

07/11/2005


NGOC-YEN VU
PRIMARY EXAMINER